

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

Chamber Ref: FTS/HPC/PF/17/0293, FTS/HPC/PF/17/0294, FTS/HPC/PF/17/0295, FTS/HPC/PF/17/0289, FTS/HPC/PF/17/0292, FTS/HPC/PF/17/0290 and FTS/HPC/PF/17/0291

**Flat 2/1, 1276 Argyle Street, Glasgow, G3 8AA
Flat 2/2, 1276 Argyle Street, Glasgow, G3 8AA
Flat 3/3, 7 Radnor Street, Glasgow G3 7UA
9-11 Radnor Street, Glasgow, G3 7UA
13 Radnor Street, Glasgow, G3 7UA
3-5 Radnor Street, Glasgow G3 7UA
Flat 1/1, 1276 Argyle Street, Glasgow G3 8AA
(known collectively as “the Property”)**

The Parties:-

**Mr. Russell Hyslop, residing at 20 Peters Gate, Bearsden, Glasgow, G61 3RY
Mr. Colin Montgomery, residing at 71 Rodger Avenue, Newton Mearns, Glasgow, G77 6JS, represented by Russell Hyslop
Dr Jeremy Roberts, Dr Hilary Melrose, Dr Gillian Eardley, Dr Anne Reid, Dr Patrick MacLaren, Partners of Radnor Street Surgery, 3 Radnor Street, Glasgow, G3 7UB, represented by Russell Hyslop
Mrs. Patricia Sampaio, residing at 24 St Anne’s Drive, Giffnock, Glasgow, G46 6JP, represented by Russell Hyslop
(known collectively as “the Homeowner and Applicant”)**

**Apex Property Factor Limited, 46 Eastside, Kirkintilloch, East Dunbartonshire, G66 1QH
(“the Factor and Respondent”)**

Tribunal Members:-

Patricia Anne Pryce	-	Chairing and Legal Member
Ann MacDonald	-	Ordinary Member (Surveyor)

This document should be read in conjunction with the First-tier Tribunal’s Decision of the same date.

The First-tier Tribunal proposes to make the following Property Factor Enforcement Order ("PFEO"):

Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:-

1. Pay to Mrs Sampaio the sum of £500 for the inconvenience and distress she suffered.
2. Pay to the Doctors the total sum of £500 for the inconvenience they have suffered.
3. Pay to Mr Montgomerie the sum of £600 for the inconvenience and stress he has suffered.
4. Pay to Mr Hyslop the sum of £1,000 for the inconvenience and stress he has suffered.
5. Issue correct final invoices to all of the Applicants which account for all transactions between the Applicants and the Respondents and which include both the float and any refunds due.
6. Provide documentary evidence to the tribunal of the Respondent's compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post.

Section 19 of the 2011 Act provides as follows:

"(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it must before doing so—

(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to it.

(3) If the First-tier Tribunal is satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the First-tier Tribunal must make a property factor enforcement order."

The intimation of the First-tier Tribunal's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the First-tier Tribunal by no later than 14 days after the date that the Decision and this proposed PFEO is sent to them by the First-tier Tribunal. If no representations are received within that timescale, then

the First-tier Tribunal is likely to proceed to make a property factor enforcement order without seeking further representations from the parties.

Failure to comply with a PFEO has serious consequences and may constitute

Patricia Anne Pryce

Legal Member and Chair

_20 August 2018_____ Date